

AMENDMENT TO THE DRAWINGS

Applicant submits a proposed amendment to Figure 1 (appended hereto) for approval by the Examiner in accordance with MPEP § 608.02(v). The proposed amendment is submitted to comply with the Examiner's request to designate Figure 1 as Prior Art.

Applicant also submits a new Figure 5, labeled as "NEW SHEET," to show an embodiment of the features recited in the method claims. Each processing block of Figure 5 is supported by the description in the specification as originally filed. Thus, no new matter is added by the new figure.

REMARKS

Claims 18, 35 and 44 are cancelled. Claims 1, 3, 13, 16, 17, 19-34, 36 and 38 are amended. Claims 1-17, 19-34, 36-43 and 45 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I. Drawings

The Examiner indicates that Figure 1 should be designated by a legend such as --Prior Art--. As stated above, Applicant submits herewith a proposed amendment to Figure 1 to comply with the Examiner's request.

In response to the drawing objection under 35 U.S.C. § 1.83(a), Applicant submits a new drawing FIG. 5 to show an embodiment of the features recited in the method claims. As stated above, no new matter is added by the figure. Applicant also amends the 4th paragraph on page 6 of the specification to include a reference to Figure 5. With respect to the apparatus claims, an embodiment of the claimed features is shown in Figure 4 and the related text in the specification as originally filed. Accordingly, withdrawal of the objection is respectfully rejected.

II. In the Specification

Applicant has amended the specification to correct typographical errors and to supply a reference to newly added Figure 5. Approval of this amendment is respectfully requested.

III. Claims Rejected Under 35 U.S.C. § 101

Claims 1-45 stand rejected under 35 U.S.C. § 101 because the claimed invention is alleged to be directed to non-statutory subject matter with no concrete, useful or tangible result. Applicant amends independent claims 1, 19 and 36 to include the element of "generating a sound." A sound is a concrete, useful or tangible result. Accordingly, withdrawal of the § 101 rejection is respectfully rejected.

IV. Claims Rejected Under 35 U.S.C. § 112

A. Claims 18, 35 and 44 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 18, 35 and 44 are cancelled.

Independent claims 1, 19 and 36 are amended to incorporate a substantial portion of the cancelled claims. In the rejection of claims 18, 35 and 44, the Examiner indicates that there is no enabling support for producing sounds based on the simulating. Applicant submits that the specification discloses that “[t]here are many different ways in which the simulated vibration of the string can be used to create a sound.....Such methods are well known in the art and need not be described further” (the 1st paragraph of page 17). Indeed, sound synthesis is well known in the art. It is also well known in the art that a sound synthesis technique uses equations and algorithms to simulate a physical source (e.g., a string) of sound (see, e.g., http://en.wikipedia.org/wiki/Physical_modelling_synthesis). The exact process of sound synthesis is an implementation detail that can vary from one embodiment to another and is understood by persons of skill in the art. Thus, independent claims 1, 19 and 36 with incorporated portions of claims 18, 35 and 44 comply with the enablement requirement.

B. Claims 1-45 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant amends the pending claims to correct insufficient antecedent basis and to conform to the standard U.S. practice.

Applicant also amends independent claims 1, 19 and 36 to recite positive limitations. With respect to the claims dependent from claim 19, Applicant amends the preamble of these claims to indicate that they are product claims.

With respect to claim 36, Applicant amends this claim to recite structural elements disclosed by the specification and Figure 4. Applicant disagrees with the Examiner’s assertion that the only structure in the specification is that of a generic computer. For example, the specification on page 17 describes that “[a]n apparatus of the present invention is not limited to an appropriately programmed PC and peripheral devices. It also includes any specifically designed, stand alone or intermediate apparatuses such as dedicated sound (e.g., music) synthesizers.”

With respect to the reminder that “means for” claims can not rely upon incorporated material for structure, Applicant amends claim 36 to remove the “means for” elements.

With respect to the rejection of the term “relative to the string” as not defined, Applicant amend independent claims 1, 19 and 36 to replace the term with “in a direction that has a component along the longitudinal axis of the string.”

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-45 under 35 U.S.C. § 112, first and second paragraphs.

V. Double Patenting Rejection

Claims 1-45 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of Applicant’s co-pending U.S. Patent Application No. 10/949,464.

Applicant submits that the above amendments to independent claims 1, 19 and 36 obviate the Examiner’s rejection. The conflicting co-pending application and the current application include distinct features, e.g., the directions of the stream flow are patentably distinct. Thus, withdrawal of the double patenting rejection is respectfully requested.

However, Applicant reserves the opportunity to file any appropriate response (e.g., a terminal disclaimer) in the event that the pending claims are otherwise allowable.

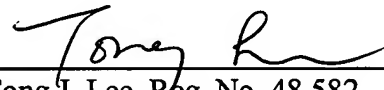
CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: March 19, 2007

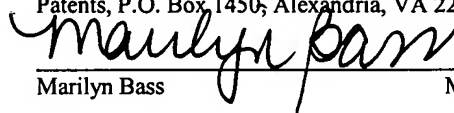


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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Marilyn Bass

March 19, 2007